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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------|-----------------|----------------------|-------------------------|------------------|
| 10/531,406 | 04/14/2005 | Stephane Raeppel | 02-1019-A1 | 1207 |
| 20306 | 7590 06/20/2006 | | EXAM | INER |
| MCDONNEI | LL BOEHNEN HULI | KUMAR, SHAILENDRA | | |
| 300 S. WACKER DRIVE | | | | |
| 32ND FLOOR | | | ART UNIT | PAPER NUMBER |
| CHICAGO, IL 60606 | | | 1621 | |
| | | | DATE MAILED: 06/20/2006 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | | | | |
|--|---|------------------------------|--|--|--|--|
| | Application No. | Applicant(s) | | | | |
| Office Action Summany | 10/531,406 | RAEPPEL ET AL. | | | | |
| Office Action Summary | Examiner | Art Unit | | | | |
| | SHAILENDRA KUMAR | 1621 | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply | | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | |
| Status | | | | | | |
| 1) Responsive to communication(s) filed on 14 April 2005. | | | | | | |
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| • | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | | | | |
| Disposition of Claims | | | | | | |
| 4) Claim(s) <u>1-37</u> is/are pending in the application. | | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | |
| 5) Claim(s) is/are allowed. | | | | | | |
| 6) Claim(s) is/are rejected. | | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | |
| 8) Claim(s) 1-37 are subject to restriction and/or election requirement. | | | | | | |
| Application Papers | | | | | | |
| 9)☐ The specification is objected to by the Examiner. | | | | | | |
| 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. | | | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). | | | | | | |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | | | | | |
| a) ☐ All b) ☐ Some * c) ☐ None of: | | | | | | |
| 1. Certified copies of the priority documents have been received. | | | | | | |
| 2. Certified copies of the priority documents have been received in Application No | | | | | | |
| 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | | |
| application from the International Bureau (PCT Rule 17.2(a)). | | | | | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
| | | | | | | |
| Attachment(s) | | | | | | |
| 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date | | | | | | |
| Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date | mi 🗀 vi vi e e i e i con al e | Patent Application (PTO-152) | | | | |

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1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-5, 22-26, drawn to compounds and composition, when Ar is non-heterocyclic.

Group II, claim(s) 1-5, 22-26, drawn to compounds and composition when Ar is pyridine.

Group III, claim(s) 6-11, 26-37, drawn to compounds, composition and method of use when R-X is non-heterocyclic.

Group IV, claim(s) 6-11 and 26-37, drawn to compounds, composition and method of use when R-X is morpholine.

Group V, claim(s) 6-11 and 26-37, drawn to compounds, composition and method of use when R-X is pyridine.

Group VI, claim(s) 6-11 and 26-37, drawn to compounds, composition and method of use when R-X is imidazole.

Group VII, claim(s) 6-11 and 26-37, drawn to compounds, composition and method of use when R-X is piperidine.

Group VIII, claim(s) 6-11 and 26-37, drawn to compounds, composition and method of use when R-X is piperazine.

Group IX, claim(s) 12-17, drawn to compounds, when R1 is aryl (non-heterocyclic).

Group X, claim(s) 12-17, drawn to compounds when R1 is benzothiozolyl.

Group XI, claim(s) 12-17, drawn to compounds when R1 is pyrimidinyl.

Group XII, claim(s) 12-17, drawn to compounds when R1 is triazolyl.

Group XIII, claim(s) 12-17, drawn to compounds when R1 is benzodioxolenyl.

Group XIV, claim(s) 12-17, drawn to compounds when R1` is pyridinyl.

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Group XV, claim(s) 18-21, drawn to compounds when Ar1 is non-heterocyclic.

Group XVI, claim(s) 18-21, drawn to compounds when Ar1 is morpholinyl.

- 2. The inventions listed as Groups I-XVI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: compounds of Groups I-VXI are structurally divergent and chemically disparate groups and are able to support patentability individually. A reference anticipating one of the above groups may not render obvious others under 35 USC 103, thus lacking the same or corresponding special technical feature.
- 3. In view of the complex nature of the restriction requirement, a written restriction requirement has been made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAILENDRA -. KUMAR whose telephone number is (571)272-0640. The examiner can normally be reached on Mon-Thur 8:00-5:30, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page can be reached on (571)272-0602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SHAILENDRA - KUMAR Primary Examiner Art Unit 1621

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S.Kumar 6/15/06